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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,085	11/13/2001	Masami Oishi	Q67159	6327

7590 03/11/2004

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EXAMINER

AGUSTIN, PETER VINCENT

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 03/11/2004

1

Please find below and/or attached an Office communication concerning this application or proceeding.

PM

Office Action Summary

Application No.

09/987,085

Applicant(s)

OISHI ET AL.

Examiner

Peter Vincent M Agustin

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to because of the following minor informality: Figure 9, step S34, "STAET" should be --START--. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. Figures 1 & 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-3 recite the limitation "the read signal" on claim 1, line 10; claim 2, line 23; and claim 3, lines 9 & 12. There is insufficient antecedent basis for this limitation in the claims.

8. Claims 4 & 5 are rejected because they are dependent upon base claim 1.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3 & 6-8 rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida et al. (hereafter Yoshida) (EP 1,107,058 A2).

In regard to claim 1, Yoshida discloses an optical recording apparatus (figure 3) for recording an information data signal on an optical recording medium (figure 3, element 1), comprising: a position identifying portion for identifying the position of a control data recording area where control data regarding recording of said information data signal is recorded (figure 3, element 11); a pre-pit signal detecting portion (figure 3, element 17) for reading a predetermined section of said control data recording area to detect a pre-pit signal from the read signal; and a generating portion (figure 3, elements

14 & 12) for generating a recording synchronizing signal indicating recording start timing from said pre-pit signal.

In regard to claim 2, Yoshida discloses an optical recording apparatus (figure 3) for recording an information data signal on an optical recording medium (figure 3, element 1), comprising: a position identifying portion for identifying the position of a control data recording area where control data regarding recording of said information data signal is recorded (figure 3, element 11); an RF data signal detecting portion (figure 3, element 95) for reading a predetermined section of said control data recording area to detect an RF data signal from the read signal; and a generating portion (figure 3, elements 14 & 12) for generating a recording synchronizing signal indicating recording start timing from said RF data signal.

In regard to claim 3, Yoshida discloses an optical recording apparatus (figure 3) for recording an information data signal on an optical recording medium (figure 3, element 1), comprising: a position identifying portion for identifying the position of a control data recording area where control data regarding recording of said information data signal is recorded (figure 3, element 11); a pre-pit signal detecting portion (figure 3, element 17) for reading a predetermined section of said control data recording area to detect detecting a pre-pit signal from the read signal; an RF data signal detecting portion (figure 3, element 95) for reading a predetermined section of said control data recording area to detect an RF data signal from the read signal; and a selecting portion (figure 4, element SW1) for selecting either of said pre-pit signal detecting portion and said RF data signal detecting portion to generate a recording synchronizing signal

indicating recording start timing from the detected signal (see also column 16, paragraph 0089).

In regard to claim 6, Yoshida discloses a method for recording an information data signal on an optical recording medium (figure 3, element 1), comprising the steps of: identifying the position of a control data recording area where control data regarding recording of said information data signal is recorded (inherent: see claim 1 rejection above); detecting a pre-pit signal by reading a predetermined section of said control data recording area (figure 3, element 17); and generating a recording synchronizing signal (figure 3, elements 14 & 12) indicating recording start timing from said pre-pit signal.

In regard to claim 7, Yoshida discloses a method for recording an information data signal on an optical recording medium (figure 3, element 1), comprising the steps of: identifying the position of a control data recording area where control data regarding recording of said information data signal is recorded (figure 3, element 11); detecting an RF data signal by reading a predetermined section of said control data recording area (figure 3, element 95); and generating a recording synchronizing signal (figure 3, elements 14 & 12) indicating recording start timing from said RF data signal.

In regard to claim 8, Yoshida discloses a method for recording an information data signal on an optical recording medium (figure 3, element 1), comprising the steps of: identifying the position of a control data recording area where control data regarding recording of said information data signal is recorded (figure 3, element 11); detecting a pre-pit signal by reading a predetermined section of said control data recording area

(figure 3, element 17); detecting an RF data signal by reading a predetermined section of said control data recording area (figure 3, element 95); and executing either one of the step of detecting a pre-pit signal and the step of detecting an RF data signal to generate a recording synchronizing signal indicating recording start timing from the detected signal (figure 4, element SW1; see also column 16, paragraph 0089).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida as applied to claim 1 above, and further in view of Usami et al. (hereafter Usami) (US 5,274,623).

For a description of Yoshida, see the 102 rejection above. Yoshida, however, remains silent to whether said predetermined section (where a pre-pit signal is read) is positioned at the end of said control data recording area.

Usami discloses in figure 8C that a pre-pit signal is positioned at the end of the control information area. It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to have positioned the predetermined section of Yoshida at the end of the control data recording area, as suggested by Usami. The motivation would have been to allow reproduction of different types of recording medium using the same recording apparatus.

Allowable Subject Matter

13. Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter:

No prior art of record alone or in combination discloses or suggests the claimed optical recording apparatus with position identifying portion, pre-pit signal detecting portion, and generating portion, further in combination with a recording portion for recording predetermined management information in an area adjacent to said control data recording area in response to said recording synchronizing signal.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakajima (US 6,643,238) discloses a method of discriminating disk type. Figure 3 shows two types of disk where the first type comprises a control data zone with emboss pits.

Kim et al. (EP 834,876 A2) discloses an optical disk reproducing apparatus having a selecting portion for selecting one of CD or DVD playback systems.

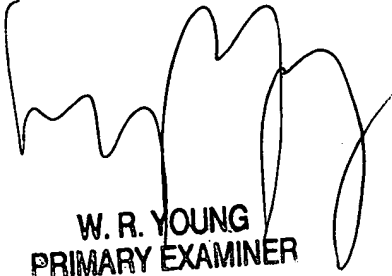
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Vincent M Agustin whose telephone number is

(703) 305-8980. The examiner can normally be reached on Monday thru Friday
9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PVA
02/24/2004



W. R. YOUNG
PRIMARY EXAMINER